



**Hundredth Legislature - Second Session - 2008
Committee Statement
LB 215**

Hearing Date: January 31, 2007
Committee On: Judiciary

Introducer(s): (Ashford)
Title: Change provisions relating to life imprisonment

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - Advanced to General File with Amendments
 - X Indefinitely Postponed
-

Vote Results:

| | | |
|---|---------------------|---|
| 5 | Yes | Sen. Ashford, Sen. McDonald, Sen. McGill, Sen. Pirsch, Sen. Schimek |
| | No | |
| | Present, not voting | |
| 3 | Absent | Sen. Pedersen, Sen. Chambers, Sen. Lathrop |

Proponents:
Sen. Ashford

Representing:
Introducer

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 215 proposes to strike and readopt language clarifying that the current alternative to the death penalty in Nebraska is life imprisonment without parole.

In 2001, the Nebraska legislature held a special session to address Nebraska’s capital sentencing scheme in light of the US Supreme Court decision in Ring v. Arizona. During that special session, language was adopted to clarify that the current penalty for Class I and Class IB felonies when the death penalty is not utilized is life imprisonment without parole. In 2004, the Nebraska Supreme Court, in the case of State v. Conover, struck down the “without parole” language added by the legislature during the special session, claiming that it was outside the scope of the Governor’s call, which related only to the Ring v. Arizona decision, and was therefore void. LB

215 strikes the void instances of the words “without parole” and proposes to readopt them during the regular session where the legislature’s plenary authority will allow it to do so.

Explanation of amendments, if any:

Senator Brad Ashford, Chairperson